

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Barbara McCarty, :
Petitioner, :
: :
v. : File No. 2:04-CV-321
: :
Vermont State Mental Hospital, :
Paul Jarris, Commissioner, :
Vermont Department of Health, :
Defendants. :
:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed March 16, 2005. Objections were filed March 30, 2005.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

Petitioner's motion for a stay or an injunction (Paper 4) and to amend her petition (Paper 8) are DENIED. It is further

ordered that the respondent's motion to dismiss (Paper 14) is DENIED.

Dated at Burlington, in the District of Vermont, this 12th day of September, 2005.

/s/ William K. Sessions III

William K. Sessions III

Chief Judge